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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Docket No.: UNME-0118-1

Samuel H. SLISHMAN

Appln. No.: 10/074,009

Filed: Feb. 14, 2002

Group Art Unit: 3763

Conf. No.: 9066

Examiner: M. Mendez

Title: Per Kilo Doser

ELECTION

M/S Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In reply to the Office Action of July 13, 2004, Applicant
hereby elects Invention I (a syringe) and Species 1 (shown in
Fig. 1).

The election of species requirement is traversed to the
extent that Applicant disagrees with the Examiner's contention
that only claim 1 is generic. Applicant respectfully submits
that claims 1, 7, 28-30, 34, and 40-44 are generic because none
of them recite limitations that are unique to any of the
identified species shown in Figs 1-3.

The restriction requirement is not traversed.

Date: July 30, 2004

R&M Ref.: 2687-016DIV1

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ELECTION

Appln. No. 10/074,009

PATENT APPLICATION


In view of the above elections and identification of the generic claims, Applicant respectfully submits that claims 1, 4, 7, and 28-30 are elected for immediate examination. Claim 4 recites limitations unique to the elected species and claims 1, 7, and 28-30 are generic.

Claims 34 and 37-45 are to be withdrawn as corresponding to the non-elected Invention II, claim 5 is to be withdrawn (subject to possible rejoinder) as corresponding to the non-elected Species 2, and claim 6 is to be withdrawn (subject to possible rejoinder) as corresponding to the non-elected Species 3. It is understood that claim 31 recites a Markush group that includes limitations unique to the non-elected species, however, rejoinder of claim 31 would be appropriate if those limitations were to be deleted, or if a generic claim becomes allowed.

No fee is believed to be due. However, in the event it is determined that a fee is required for consideration of this paper, please charge any necessary fee to Deposit Account No. 18-1579.

Respectfully submitted,

ROBERTS ABOKHAIR & MARDULA, LLC


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Date: July 30, 2004

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